

AMENDED IN SENATE APRIL 29, 2008

AMENDED IN SENATE APRIL 10, 2008

AMENDED IN SENATE MARCH 28, 2008

SENATE BILL

No. 1313

Introduced by Senator Corbett

February 20, 2008

An act to add Chapter 12 (commencing with Section 108940) to Part 3 of Division 104 of the Health and Safety Code, relating to product safety.

LEGISLATIVE COUNSEL'S DIGEST

SB 1313, as amended, Corbett. Product safety: perfluorinated compounds.

Existing law prohibits the manufacture, processing, and distribution in commerce of any product contact containing certain chemicals found to raise health risks, including polybrominated diphenyl ethers.

This bill would, commencing January 1, 2010, prohibit the manufacture, sale, or distribution of any food contact substance, as defined, that contains perfluorinated compounds, as defined, in any concentration exceeding 10 parts per billion.

This bill would also *require manufacturers to use nontoxic alternatives when replacing perfluorochemicals or their precursors* and prohibit manufacturers from replacing perfluorinated compounds with certain carcinogens and reproductive toxins.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature finds and declares all of the
2 following:

3 (a) Perfluorochemicals (PFCs) and their precursors have been
4 used in the manufacture of stain- and grease-proof coatings for a
5 wide variety of consumer products for more than half a century,
6 and are now found in human blood and wildlife worldwide.

7 (b) PFCs and precursor chemicals that break down into PFCs
8 in the body, wildlife, or the environment are used as food contact
9 substances that represent potential sources of dietary exposure to
10 these chemicals.

11 (c) Recent studies have demonstrated the presence of two
12 particular perfluorochemicals, perfluorooctane sulfonate (PFOS)
13 and perfluorooctanoic acid (PFOA), in more than 98 percent of
14 Americans' blood, and 100 percent of 293 newborns surveyed.

15 (d) PFOA is considered by the federal Environmental Protection
16 Agency (EPA) Science Advisory Board to be a likely carcinogen
17 and is considered a chemical that induces breast tumors in animals.
18 In addition, PFOA and PFOS have been linked to problems in
19 pregnancy, including developmental complications.

20 (e) Federal Food and Drug Administration (FDA) scientists note
21 that food packaging represents the worst-case scenario for PFCs
22 to migrate into food. In one FDA study, food packaging released
23 several hundred times more PFCs than did cookware coated with
24 substances like Teflon.

25 (f) The EPA has established a voluntary phase-out of certain
26 perfluorochemicals, including PFOA, that will go into effect in
27 2015. PFOS was removed from the market by the only United
28 States manufacturer under pressure by the EPA in 2001.

29 (g) It is in the best interest of California to eliminate the presence
30 of dangerous perfluorochemicals and their precursors in food
31 packaging, as soon as reasonably possible.

32 SEC. 2. Chapter 12 (commencing with Section 108940) is
33 added to Part 3 of Division 104 of the Health and Safety Code, to
34 read:

CHAPTER 12. PERFLUOROCHEMICALS (PFCs)

108940. For purposes of this chapter, the following definitions shall apply:

(a) “Food contact substance” is any substance that directly contacts food, and is intended for use as a component of materials used in manufacturing, packing, packaging, transporting, or holding food.

(b) “Perfluorinated compounds” means perfluorooctanoic acid (PFOA) or perfluorooctane sulfonate (PFOS), or PFOA- and PFOS-homologues that differ only in the length of the fluorinated carbons and contain more than five fluorinated carbon atoms, or chemicals that are reasonably suspected to degrade in the environment to PFOA or PFOS, or PFOA- and PFOS-homologues containing more than five carbon fluorinated atoms. “Perfluorinated compound” includes all acids, salts, or ionic forms of the perfluorinated compounds.

108941. On or after January 1, 2010, no person or entity shall manufacture, sell, or distribute in commerce any food contact substance that contains perfluorinated compounds, in any concentration exceeding 10 parts per billion (ppb).

108942. (a) ~~Manufacturers~~ *Manufacturers shall use nontoxic alternatives when replacing perfluorochemicals or their precursors in accordance with this chapter.*

(b) *Manufacturers* shall not replace perfluorinated compounds, pursuant to this chapter, with carcinogens rated by the United States Environmental Protection Agency as A, B, or C carcinogens, or substances listed as known or likely carcinogens, known to be human carcinogens, likely to be human carcinogens, or suggestive of being human carcinogens, as described in the “List of Chemicals Evaluated for Carcinogenic Potential,” or known to the state to cause cancer as listed in the California Safe Drinking Water Act (Chapter 4 (commencing with Section 116270) of Part 12).

~~(b)~~

(c) *Manufacturers* shall not replace perfluorinated compounds, pursuant to this chapter, with reproductive toxicants that cause birth defects, reproductive harm, or developmental harm as identified by the United States Environmental Protection Agency

- 1 or listed in the California Safe Drinking Water Act (Chapter 4
- 2 (commencing with Section 116270) of Part 12).

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